

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MAURICE DiLUZIO and LAURIE DiLUZIO,

Plaintiffs,

v.

ORDER
05-CV-568A

R.L.R. INVESTMENTS, LLC and
AMERICAN FREIGHTWAYS, INC.,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On April 28, 2011, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant FedEx Freight East, Inc.'s motion for summary judgment be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion for summary judgment is granted.

The parties are directed to appear before the Court on May 26, 2011 at 9:00 a.m. for a status conference to set a trial date.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: May 19, 2011